United Nations A/INF/54/7

General Assembly

Distr.: General
14 January 2000

Original: English

**Fifty-fourth session**
**Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

## Letter dated 30 December 1999 from the Secretary-General to the President of the General Assembly

I have the honour to refer to your letter of yesterday's date (see annex I) concurring with my proposal to appoint Mr. Fausto Pocar as a judge of the International Tribunal for the Former Yugoslavia. I have received a corresponding letter from the President of the Security Council. Accordingly, I have appointed Mr. Pocar as a judge of the International Tribunal, effective 1 February 2000, for the remainder of the term of office of Judge Cassese, which term will expire on 16 November 2001.

(*Signed*) Kofi A. **Annan**

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## Annex I

### Letter dated 29 December 1999 from the President of the General Assembly to the Secretary-General

I have the honour to refer to your letter of 20 December 1999 (see annex II) concerning the candidature of Mr. Fausto Pocar for the remainder of the term of office of Mr. Antonio Cassese, member of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, whose resignation will be effective 1 February 2000.

In accordance with article 13, paragraph 3, of the statute of the International Tribunal, I have reviewed the qualifications of Mr. Pocar and am pleased to inform you that I concur with the proposed appointment.

(*Signed*) Theo-Ben **Gurirab**

## Annex II

### Letter dated 20 December 1999 from the Secretary-General to the President of the General Assembly

I have the honour to refer to article 13, paragraph 3, of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which reads as follows:

> "In the event of a vacancy in the Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned."

In this connection, I should like to recall that Judge Antonio Cassese, a national of Italy, has resigned as a judge of the International Tribunal, effective 1 February 2000 or as soon thereafter as the *Kupreskic and others* trial is completed.

The Government of Italy has presented the candidacy of Mr. Fausto Pocar to replace Judge Cassese. Please find attached his curriculum vitae (see appendix).

It is my view that Mr. Pocar meets the qualifications which are prescribed in article 13, paragraph 1, of the statute of the International Tribunal. I also consider that Mr. Pocar's appointment would be well calculated to ensure adequate representation on the Tribunal of the principal legal systems of the world, as contemplated in article 13, paragraph 2 (c), of the Tribunal's statute.

I should therefore like to proceed to consultation with you on the appointment of Mr. Pocar, in accordance with article 13, paragraph 3, of the statute of the International Tribunal. I look forward to receiving your views on the matter.

(*Signed*) Kofi A. **Annan**

## Appendix

### Curriculum vitae of Fausto Pocar (Italy)

Born in Milan, 21 February 1939

LL.D., Milan Law School (1961)

Member of the Milan Bar (since 1963)

"Libero docente", International Law (1969)

Professor of European Community (EC) Law, University of Milan (1970-1976)

Professor of International Law and of Private International Law, University of Milan (since 1976)

Dean of the Faculty of Political Sciences, University of Milan (1981-1984)

Vice-Rector, University of Milan (1984-1997)

Director of the Institute of International Law and Politics (1980-1984), of the Institute of Private International Law (1986-1987) and of the Institute of International Law (1991-1994), University of Milan

Director of the Postgraduate School of EC Law and Economics, University of Milan (since 1989)

Member, Advisory Committee on Legal Research of the National University Council (1981-1987)

Member, Ministry of Justice Commission for the Reform of Private International Law (1985-1989)

Editor-in-Chief, *Rivista di diritto internazionale privato e processuale*

Member of the Board of Editors of the following periodicals: *La Comunità internazionale, Diritto comunitario e degli scambi internazionali, I diritti dell'uomo, Cronache e battaglie, Comunicazioni e studi, Relazioni internazionali*

Courses at the Hague Academy of International Law: 1983, 1993 (General Course of Private International Law); director of studies at the same Academy (1981)

Courses at the Institut universitaire international, Luxembourg (1979); at the School of International Organization, University of Parma (1981-1983); at the Johns Hopkins University, Bologna Centre (1983-1984); at the Faculty of Diplomatic and International Sciences, Gorizia, Italy (1989-1993); at the Institute of International Public Law and International Relations, Thessaloniki (1994); at the School and Faculty for Public Relations, IULM, Milan (since 1987)

Member of the Scientific Council of the European Union programme "Alfa" (América Latina Formación Académica) (since 1994)

Rapporteur at several scientific meetings and visiting lecturer in various Italian and foreign universities and institutes

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Member, Human Rights Committee under the International Covenant on Civil and Political Rights (since 1985): Vice-Chairman (1987-1988), Rapporteur (1989-1990),

Chairman (1991-1992), Special Rapporteur for new individual communications (since 1995)

Special Representative of the United Nations High Commissioner for Human Rights for a visit to Chechnya (1995) and the Russian Federation (1995, 1996)

Invited speaker to several workshops organized by the Centre for Human Rights of the United Nations in various countries: Lomé, 1988, 1996; Kigali, 1988; Moscow, 1988, 1989, 1991; Conakry, 1989; Banjul, 1989; Tokyo, 1989; Ottawa, 1990; Belgrade, 1990; Sofia, 1990; Barcelona, 1992; Jakarta, 1993; Tunis, 1994; Turin, 1994, 1996

Legal Adviser of the Italian delegation, thirty-eighth to forty-first, and forty-fifth to forty-ninth sessions of the United Nations General Assembly (1983-1986, 1990-1994)

Legal Adviser of the Italian delegation, United Nations Commission on Human Rights (1984, 1988-1995)

Italian delegate, working group of the Commission on Human Rights on the elaboration of a draft declaration on the rights of persons belonging to minorities (1991)

Member of the Italian delegation, World Conference on Human Rights, Vienna (1993)

Legal Adviser of the Italian delegation, United Nations Committee on the Peaceful Uses of Outer Space and member of its Legal Subcommittee (1984-1995)

Member of the Italian delegation, fourteenth (1980) and eighteenth (1996) sessions of the Hague Conference on Private International Law

Vice-Chairman of the Special Commission on maintenance obligations of the Hague Conference on Private International Law (1995)

Member of the Italian delegation, Special Commission on the operation of the Convention on the Civil Aspects of International Child Abduction, Hague Conference on Private International Law (1997)

Member of the Italian delegation, Special Commission on the Protection of Adults, Hague Conference on Private International Law (1997)

Co-Rapporteur of the Special Commission on the question of Jurisdiction, Recognition and Enforcement of Foreign Judgements of the Hague Conference on Private International Law (since 1997)

Rapporteur of the ad hoc Group on revision of the Brussels and Lugano Conventions of the Council of the European Union (since 1997)

Italian delegate, European Patent Organisation, Building Commission, Munich (1980-1981)

Member of the delegation of Unidroit, sixteenth Hague Conference on Private International Law (1988)

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Associé of the Institut de droit international (1997)

Member of the Italian Commission on Human Rights (Commissione per i diritti umani presso la Presidenza del Consiglio dei Ministri)

Member of the National Board, Italian Society for International Organization (SIOI) and former Chairman of its Milan section

Member of the Advisory Board, Institute for the promotion of arbitration (ISDACI), Milan

Member of the Governing Board and of the Scientific Board, Institute for Studies in International Politics (ISPI), Milan

Member of the Council of the International Institute of Humanitarian Law (San Remo)

Member of the Italian Society for International Law (SIDI)

Member of the International Law Association, and of its Committee on International Civil Litigation

Vice-President and former Secretary-General (1981-1997) of the Italo-German Jurists Association (Associazione per gli scambi culturali fra giuristi italiani e tedeschi), Rome

Member of the American Society of International Law

Member and former Chairman of the European Group for Private International Law

Member of the Association suisse de l'arbitrage (ASA)

Member of the Société française de droit international

**Principal publications**

**Books**

*L'assistenza giudiziaria internazionale in materia civile*, Padua, 1967 (International Judicial Assistance in civil matters)

*Diritto dell'Unione e delle Comunità europee* (1973), 5th ed., Milan, 1997. (Albanian translation of the 4th edition: *E drejta e Komuniteteve europiane*, Tirana, 1995) (European Union and Community law)

*L'esercizio non autorizzato del potere statale in territorio straniero*, Padua, 1974 (Non-authorized State acts on foreign territory)